

ORIGINAL

FLETCHER, HEALD & HILDRETH

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209

P. O. BOX 33847

WASHINGTON, D.C. 20033-0847

(703) 812-0400

TELECOPIER

(703) 812-0488

PAUL D.P. SPEARMAN
(1936-1982)
FRANK ROBERSON
(1936-1981)

RETIRED
RUSSELL ROWELL
EDWARD F. KENEHAN
ROBERT L. HEALD
FRANK U. FLETCHER

OF COUNSEL
EDWARD A. CAINE*

SPECIAL COUNSEL
CHARLES H. KENNEDY*

WRITER'S NUMBER
(703) 812-

ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
THOMAS J. DOUGHERTY, JR.
JAMES G. ENNIS
PAUL J. FELDMAN*
RICHARD HILDRETH
EDWARD W. HUMMERS, JR.
FRANK R. JAZZO
BARRY LAMBERGMAN
PATRICIA A. MAHONEY
M. VERONICA PASTOR*
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
MARVIN ROSENBERG
LONNA M. THOMPSON
KATHLEEN VICTORY*
HOWARD M. WEISS
*NOT ADMITTED IN VIRGINIA

November 16, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Suite 222
1919 M Street, N.W.
Washington, D.C. 20554

RE: Amendment of Section 73.606(b)
MM Docket No. 92-246, RM-8091
Ridgecrest, California

Dear Mr. Caton:

On behalf of Valley Public Television, Inc., licensee of Station KVPT, there is submitted an original and four copies of its Petition for Reconsideration in the above-referenced matter.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,

Richard Hildreth

RH/bll

Enclosures

cc: Ms. Victoria M. McCauley, FCC (w/enc.) (by hand)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED**NOV 16 1993**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.606(b))
Table of Allotments)
TV Broadcast Stations.)
(Ridgecrest, California))MM Docket No. 92-246
RM-8091

TO: Assistant Chief, Allocations Branch

PETITION FOR RECONSIDERATION

Valley Public Television, Inc. ("Valley") by its attorney respectfully requests that the Commission reconsider the Report and Order issued October 27, 1993 in the above-referenced matter. With respect thereto, the following is presented.

In a relatively short Report and Order, the Commission dismissed as moot and as "not necessary to entertain petitioner's request in the instant docket" the petition for rulemaking filed by Valley Public Television looking toward substitution of Channel *41 for Channel *25 at Ridgecrest or establishing a site restriction on Channel *25 at Ridgecrest. Valley was careful to point out in its petition and related submissions that the rulemaking was, in fact, a rather ancient one begun many years ago in connection with allocations at Santa Barbara. For unknown reasons, the allocation of Channel #41 at Ridgecrest had never taken place, although it was still very much alive in the Santa Barbara rulemaking proceeding.

While the Commission is correct that Valley and Community Television of Southern California ("CTSC") have settled the hearing involving educational Channel *39 at Bakersfield, it did

not give adequate recognition and weight to the fact that the settlement was only good for five years and that if an independent party filed for Channel *39 at Bakersfield, that filing would tote the settlement arrangement. Thus, there is no real finality in connection with the settlement and the matter of the allocation question with respect to Ridgecrest continues to be very much alive.

Valley wishes to be in a position to apply for the Channel *39 transmitter site as specified in its application for Bakersfield at the end of the five-year period and very possibly sooner, if the contingency terminating the settlement occurs. For this reason, the Commission's consideration of the Channel *41 allocation to Ridgecrest or the alternative site restriction to the existing Channel *25 allocation there continues to be very much alive and nothing is to be gained by dismissing the petition. Indeed, it makes every sense to consider the matter to clear the allocation's confusion and to make ready for a Channel *39 application in the future. This is especially so given the Commission recognition that the rulemaking involving Channel *41 allocation to Ridgecrest is a very ancient proceeding and one in which a conclusion has not been reached.

Clearly, things could change very quickly with respect to the Channel *39 allocation at Bakersfield and even should the remaining portion of the initial five-year period run its course, Valley wants to be in a position to prepare the application, make the necessary NTIA grant requests, and be ready for filing as

soon as it is possible to do so. To be in a position to do so necessitates the change in the allocation situation at Ridgecrest as petitioned by Valley.

WHEREFOR THE PREMISES CONSIDERED, it is respectfully requested that the Commission reconsider its Report and Order in MM Docket 92-246 (RM-8091) and that it continue its consideration of the proposal of Valley to substitute Channel *41 for Channel *25 at Ridgecrest or alternatively to establish a site restriction on Channel *25 at Ridgecrest.

Respectfully requested,

VALLEY PUBLIC TELEVISION, INC.

By: 

Richard Hildreth

Its Attorney

FLETCHER, HEALD & HILDRETH
1300 North 17th Street, 11th Flr
Rosslyn, VA 22209
(703) 812-0400

November 16, 1993

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